United Nations A/C.5/63/L.27

General Assembly

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Sixty-third session
Fifth Committee
Agenda item 118
Programme budget for the biennium 2008-2009

Draft decision submitted by the Chairman following informal consultations

Programme budget implications relating to the proposed programme budget for the biennium 2008-2009

A. Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms

Programme budget implications of draft resolution A/C.1/63/L.39

The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2] decides to inform the General Assembly that, should it adopt draft resolution A/C.1/63/L.39, additional resources in the total amount of $1,225,900 would be required under section 2, General Assembly and Economic and Social Council affairs and conference management ($1,181,000), and section 28D, Office of Central Support Services ($44,000), of the programme budget for the biennium 2008-2009. These additional appropriations for the biennium 2008-2009 would be considered by the Assembly in accordance with the procedures for the use and operations of the contingency fund.

B. Situation of human rights in Myanmar

Programme budget implications of draft resolution A/C.3/63/L.33

The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General[3] and the related report of the

[1] A/C.5/63/10.
[2] A/63/621.
[3] A/C.5/63/12.

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Advisory Committee on Administrative and Budgetary Questions,[4] decides to inform the General Assembly that, should it adopt draft resolution A/C.3/63/L.33, additional requirements in the amount of $753,200 would be required under section 3, Political affairs, of the programme budget for the biennium 2008-2009 for the continued efforts of the good offices of the Secretary-General relating to the situation in Myanmar. Approval for those requirements is being sought in the context of the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the Assembly and/or the Security Council in documents A/63/346 and Add.1, and Add.1/Corr.1.

C. Committee on the Rights of the Child

Programme budget implications of draft resolution A/C.3/63/L.46/Rev.1 (as orally revised)

The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General[5] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[6] decides to inform the General Assembly that, should it adopt draft resolution A/C.3/63/L.46/Rev.1 (as orally revised), additional requirements amounting to $513,100 would be required under section 2, General Assembly and Economic and Social Council affairs and conference management, of the programme budget for the biennium 2008-2009. This additional appropriation for the biennium 2008-2009 would be considered by the Assembly in accordance with the procedures for the use and operations of the contingency fund.

D. International Convention on the Elimination of All Forms of Racial Discrimination

Programme budget implications of draft resolution A/C.3/63/L.53/Rev.1

The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General[7] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[8] decides to inform the General Assembly that, should it adopt draft resolution A/C.3/63/L.53/Rev.1, additional resources in the amount of $379,900 would be required under section 2, General Assembly and Economic and Social Council affairs and conference management, of the programme budget for the biennium 2008-2009. These additional appropriations for the biennium 2008-2009 would be considered by the Assembly in accordance with the procedures for the use and operations of the contingency fund.

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[4] A/63/614.
[5] A/C.5/63/13.
[6] A/63/624.
[7] A/C.5/63/14.
[8] A/63/617.

E. Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law

Programme budget implications of General Assembly resolution 63/3

The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General[9] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[10] decides to inform the General Assembly that the adoption of resolution 63/3 will entail additional requirements amounting to some $435,000 in respect of the International Court of Justice. Efforts will be made to accommodate the estimated additional requirements of $130,000 in 2009 within the programme budget for the biennium 2008-2009, and actual expenditures will be reported in the context of the second performance report for the same biennium. The remaining requirements of $305,000 for the biennium 2010-2011 will be considered in the context of the proposed programme budget for that biennium.

F. Rights of the Child

Programme budget implications of General Assembly resolution A/C.3/63/L.16/Rev.1

The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General[11] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[12] decides to inform the General Assembly that, should it adopt draft resolution A/C.3/63/L.16/Rev.1, additional resources in the amount of $2,175,700 gross ($1,949,800 net) would arise under section 1, Overall policymaking, direction and coordination ($1,758,600), section 28D, Office of Central Support Services ($191,200), and section 35, Staff assessment ($225,900), to be offset by the same amount under Income section 1, Income from staff assessment, of the programme budget for the biennium 2008-2009. These appropriations for the biennium 2008-2009 would be considered by the Assembly in accordance with the procedures for the use and operation of the contingency fund.

[9] A/C.5/63/15.
[10] A/63/619.
[11] A/C.5/63/16.
[12] A/63/623.

G. Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Programme budget implications of draft resolution A/C.3/63/L.51/Rev.1

The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General[13] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[14] decides to inform the General Assembly that, should it adopt draft resolution A/C.3/63/L.51/Rev.1, an additional amount of $570,400 would be required under section 2, General Assembly and Economic and Social Council affairs and conference management, of the programme budget for the biennium 2008-2009. This additional appropriation for the biennium 2008-2009 would be considered by the Assembly in accordance with the procedures for the use and operations of the contingency fund.

H. Doha Declaration on Financing for Development: outcome document of the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus

Programme budget implications of draft resolution A/63/L.57

The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General[15] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[16] decides to inform the General Assembly that, should it adopt draft resolution A/63/L.57, a detailed statement of programme budget implications would be submitted to the General Assembly for its consideration during its current session as soon as specific information on the format and modalities of the Conference is made available.

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[13] A/C.5/63/17.

[14] A/63/618.

[15] A/C.5/63/19.

[16] A/63/625.

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Sixty-third session
Fifth Committee
Agenda items 117 and 128

Review of the efficiency of the administrative and financial functioning of the United Nations

Report on the activities of the Office of Internal Oversight Services

Draft resolution submitted by the Chairman following informal consultations

Reports of the Office of Internal Oversight Services on its activities

The General Assembly,

I

Activities of the Office of Internal Oversight Services

Recalling its resolutions 48/218 B of 29 July 1994, 54/244 of 23 December 1999, 59/272 of 23 December 2004 and 60/259 of 8 May 2006,

Having considered the reports of the Office of Internal Oversight Services on its activities[1] and the related note by the Secretary-General,[2] as well as the related section of the annual report of the Independent Audit Advisory Committee,[3]

1. *Reaffirms* its primary role in the consideration of and action taken on reports submitted to it;

2. *Also reaffirms* its oversight role and the role of the Fifth Committee in administrative and budgetary matters;

3. *Further reaffirms* the independence and the separate and distinct roles of the internal and external oversight mechanisms;

4. *Notes with appreciation* the work of the Independent Audit Advisory Committee;

[1] A/63/302 (Part I) and Add.1.
[2] A/63/302 (Part I)/Add.2.
[3] A/63/328 (sect. III.A, B and C).

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5. *Recalls* its resolution 61/275 of 29 June 2007, in which it adopted the terms of reference of the Independent Audit Advisory Committee;

6. *Takes note* of the reports of the Office of Internal Oversight Services on its activities[1] and the related note by the Secretary-General;[2]

7. *Stresses* the importance of full implementation of accepted recommendations of the Office of Internal Oversight Services, and requests the Secretary-General to ensure that complete information is provided on the implementation of those recommendations and, where applicable, in cases where full implementation has not been achieved, detailed reasons therefor;

8. *Requests* the Secretary-General to ensure that all relevant resolutions, such as resolutions on peacekeeping operations relating to cross-cutting issues, are brought to the attention of relevant managers, and that the Office of Internal Oversight Services also take those resolutions into account in the conduct of its activities;

9. *Also requests*, in this regard, the Secretary-General to ensure that all relevant resolutions pertaining to the work of the Office of Internal Oversight Services are brought to the attention of the relevant managers;

10. *Takes note* of the recommendations contained in the related section of the annual report of the Independent Audit Advisory Committee in respect of the Office of Internal Oversight Services,[3] and requests the Secretary-General to ensure the full implementation of those recommendations, taking into account the provisions of its resolutions 48/218 B, 54/244 and 59/272;

11. *Encourages* the Organization's internal and external oversight bodies to enhance the level of their cooperation with one another, such as joint work-planning sessions, without prejudice to their respective independence;

12. *Notes* paragraph 17 of the Independent Audit Advisory Committee report, and recalls that one of the responsibilities of the Independent Audit Advisory Committee, according to its terms of reference, is to advise the General Assembly on the effectiveness, efficiency and impact of the audit activities and other oversight functions of the Office of Internal Oversight Services;

13. *Also notes* that the five year non-renewable term of the Under-Secretary-General for Internal Oversight Services will expire in July 2010, and in this respect urges the Secretary-General to ensure that timely arrangements are made to find a successor in full conformity with the provisions contained in paragraph 5 (b) of its resolution 48/218 B.

II
Investigations and the Procurement Task Force of the Office of Internal Oversight Services

Recalling its resolutions 48/218 B of 29 July 1994, 54/244 of 23 December 1999, 57/282, section IV, of 20 December 2002, 59/272 of 23 December 2004, 59/287 of 13 April 2005, 61/245 of 22 December 2006, 61/275 and 61/279 of 29 June 2007, 62/234 of 22 December 2007 and 62/247 of 3 April 2008,

Having considered the reports of the Secretary-General on information requested in paragraph 17 of its resolution 62/247[4] and on information-sharing practices between the United Nations and national law enforcement authorities, as well as referrals of possible criminal cases related to United Nations staff, United Nations officials and experts on mission,[5] the report of the Office of Internal Oversight Services on the activities of the Procurement Task Force for the period from 1 July 2007 to 31 July 2008,[6] the report of the Board of Auditors on the activities of the Procurement Task Force,[7] the related notes by the Secretary-General transmitting his comments thereon[8] and the related reports of the Advisory Committee on Administrative and Budgetary Questions,[9]

1. *Takes note* of the report of the Secretary-General on information requested in paragraph 17 of General Assembly resolution 62/247;[5]

2. *Also takes note* of the report of the Secretary-General on information-sharing practices between the United Nations and national law enforcement authorities, as well as referrals of possible criminal cases related to United Nations staff, United Nations officials and experts on mission;[5]

3. *Further takes note* of the report of the Office of Internal Oversight Services on the activities of the Procurement Task Force for the period from 1 July 2007 to 31 July 2008,[6] the report of the Board of Auditors on the activities of the Procurement Task Force[7] and the related notes by the Secretary-General transmitting his comments thereon;[8]

4. *Endorses* the conclusions and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions,[9] subject to provisions contained in the present resolution;

5. *Takes note* of the work of the Procurement Task Force;

6. *Emphasizes* its commitment to preventing and deterring fraud and malfeasance within the Organization and recognizes that such efforts cannot be sustained in the long term by an ad hoc body;

7. *Recalls* the ad hoc nature of the Procurement Task Force;

8. *Notes* the intention of the Secretary-General to transfer the remaining caseload of the Procurement Task Force of the Office of Internal Oversight Services to the Investigations Division of that Office at the beginning of 2009;

9. *Requests* the Secretary-General to ensure that the Office of Internal Oversight Services has the expertise and capacity within its approved structure to effectively investigate allegations of fraud, corruption and misconduct in procurement;

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[4] A/63/369.
[5] A/63/331.
[6] A/63/329.
[7] A/63/167.
[8] A/63/329/Add.1 and A/63/167/Add.1.
[9] A/63/492 and A/63/490.

10. *Takes note* of paragraph 12 of the report of the Advisory Committee on Administrative and Budgetary Questions[10] with regard to the specific element of human resources;

11. *Emphasizes* article 101 of the United Nations Charter, reiterates section II of its resolution 61/244 of 22 December 2006, and requests the Secretary-General to ensure the full implementation of the relevant provisions of the Staff Regulations and Rules of the United Nations governing the recruitment of United Nations staff;

12. *Reiterates* that deliberate management decisions to keep a certain number of posts vacant should not be taken, as such action makes the budget process less transparent and the management of human and financial resources less efficient;

13. *Expresses concern* over a number of vacancies in the Investigations Division of the Office of Internal Oversight Services since the beginning of 2008, and requests the Secretary-General to make every effort to fill those vacancies as a matter of priority, in accordance with the existing relevant provisions governing recruitment in the United Nations;

14. *Stresses* that any changes involving administrative and financial implications shall be subject to the review and approval of the General Assembly in accordance with established procedures, including regulation 2.9 of the Financial Regulations and Rules of the United Nations;[11]

15. *Recognizes* that investigations of fraud, corruption and misconduct in procurement are often time sensitive;

16. *Recalls* paragraph 18 of its resolution 62/247, in which it requested the Secretary-General to prepare for its consideration and approval, in close cooperation with the Office of Internal Oversight Services, a report providing detailed information on terms of reference with regard to the proposed comprehensive review of investigations in the United Nations before the General Assembly decides on the necessity of such a review, taking into account the role and mandate of the Office of Internal Oversight Services as established in its resolution 48/218 B, the framework for investigation adopted in section IV of its resolution 57/282 and in its resolution 59/287, the reform of the system of administration of justice, the decisions of the Assembly to strengthen the investigation function of the Office of Internal Oversight Services and its decisions on the accountability framework, results-based management, enterprise risk management and the internal control framework;

17. *Stresses* that the Office of Internal Oversight Services, in the conduct of its investigations, should fully address and respect the due process rights of staff concerned;

18. *Notes* the work by the Office of Internal Oversight Services to develop a comprehensive investigation manual, revise and expand the key standard operating procedures for investigations and develop a comprehensive investigation learning programme for managers and staff on the investigative process, and stresses the

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[10] A/63/490.

[11] ST/SGB/2003/7.

importance of that work being completed and made available to all United Nations personnel as soon as possible;

19. *Requests* the Secretary-General to prepare as soon as possible standardized and consolidated rules and procedures applicable to all investigations in the United Nations other than the investigations conducted by the Office of Internal Oversight Services, and to ensure that such rules and procedures are made available to all United Nations personnel and to provide information thereon to the General Assembly at its sixty-fourth session, without prejudice to paragraph 18 of its resolution 62/247;

20. *Stresses* the importance of effective implementation, including referrals to national authorities and recovery actions where appropriate, of the accepted recommendations of the Office of Internal Oversight Services, as well as of effective coordination between that Office and other parts of the Secretariat in this regard.